

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

STAFF REPORT

Hearing Date/Agenda Number
P.C. 3/27/02 Item ..

File Number
PDCSH 01-10-097

Application Type
Planned Development Rezoning

Council District
3

Planning Area
Central San José

Assessor's Parcel Number(s)
249-65-082

PROJECT DESCRIPTION

Completed by: Akoni Danielsen

Location: Northerly terminus of East Court and West Court

Gross Acreage: 2.02

Net Acreage: 2.02

Net Density: 18.5 DU/AC

Existing Zoning: A(PD)

Existing Use: Vacant

Proposed Zoning: A(PD)

Proposed Use: 92 attached senior units

GENERAL PLAN

Completed by: AD

Land Use/Transportation Diagram Designation
Medium Density Residential (8-16 DU/AC)

Project Conformance:
☐ Yes ☒ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: AD

North: Silver Creek Corridor, industrial

LI Light Industrial

East: US Highway 101

LI Light Industrial

South: Single-family residential

R-1-8 Residence

West: Railroad & Industrial

LI Light Industrial

ENVIRONMENTAL STATUS

Completed by: AD

☐ Environmental Impact Report found complete
☒ Negative Declaration Circulated on 3-6-02
☐ Negative Declaration adopted on

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: AD

Annexation Title: McKee No. 3

Date: January 17, 1957

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval
☒ Conditional Approval
☐ Denial
☐ Uphold Director's Decision
☐ _____

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/DEVELOPER/OWNER

ROEM Development Corp.
1895 Dobbin Drive
San José, CA 95133

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Akoni Danielsen

Department of Public Works

See attached memo.

Other Departments and Agencies

See attached memos from Fire Department, Police Department, Santa Clara Valley Water District

GENERAL CORRESPONDENCE

None received.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant is requesting a change in zoning from A(PD) Planned Development to A(PD) Planned Development to allow 92 affordable senior units on a 2.02-acre site at the northerly terminus of East and West Courts. The development is proposed at the northern edge of an existing single-family neighborhood, comprised of approximately 55 residences fronting onto either East Court or West Court, north of East Julian Street. The site is otherwise surrounded by the Lower Silver Creek channel to the north, US Highway 101 to the east, and a railroad line and industrial uses to the west. The railroad line is the likely future alignment for the Bay Area Rapid Transit (BART) line connecting to Downtown San Jose. The site is within the Five Wounds/Brookwood Terrace SNI Area.

The site is vacant and has an approved Planned Development Zoning, Planned Development Permit, and Tract Map for 17 single-family detached units. The existing approved site plan (see attached) consists of three five-unit courthome modules accessed from a public street and two additional units taking access from a private driveway at the western edge of the site, and connects East and West Courts with a fully improved public street, resulting in a loop street. The approved project also included a tot-lot open to the neighborhood's use.

The proposed senior project consists of a three story structure finished in stucco with wood trim details and a concrete tile roof. The building is 45 feet tall and runs nearly the full width of the site from east to west. Parking is provided at grade between the building and the existing single-family neighborhood, accessed from driveways on both East and West Courts. The parking lot will link the two courts, allowing emergency vehicle access between them, but is not proposed as a general public access open to the neighborhood. The project proposes to vacate this street and maintain a private access from East to West court. The senior project proposes 71 parking spaces to serve the 92 senior units plus staff and visitors.

There is currently inadequate water pressure in the neighborhood to provide the needed fire flow to protect the senior project. The developer must construct water main improvements from the site to Julian Street to provide a fire flow of 4,500 gallons per minute. The developer must also extend a storm drain down East Court to Julian Street to handle increased runoff resulting from site development.

GENERAL PLAN CONFORMANCE

The project site has a designation of Medium Density Residential (8-16 DU/AC) on the San José 2020 General Plan Land Use/Transportation Diagram. The proposed senior units will have fewer residents than standard

attached multi-family units, and therefore the project density should be calculated using the population dwelling unit equivalency. To calculate the population dwelling unit equivalency, the density allowed under the existing designation is multiplied by the average household size for the City to determine the number of conventional dwelling units to which the development would be equivalent. The 92 one bedroom senior units are anticipated to have 1.3 occupants on average, resulting in 120 project residents, which equates to 37 average households, and a density of 18.5 DU/AC on the two-acre site.

This density of 18.5 DU/AC exceeds the site's (8-16 DU/AC) designation, however, the project could be found consistent under the General Plan Discretionary Alternate Use Policy relating to the Location of Projects Proposing 100% Affordable Housing. The alternate use policy indicates that development of housing at any density may be allowed under Planned Development Zoning if such housing is:

- Rental or Ownership housing affordable to very low-, low- or moderate-income households.
- Proposed for a site and density compatible with surrounding land use designations.
- Located on a site consistent with the housing distribution policies of this plan.

Staff believes this proposal in its current form is not consistent with the second criteria—specifically, the proposal is not compatible with the surrounding land use designations. The property is bounded by land that is designated Medium Low Density Residential (8 dwelling units/acre) and land that is designated Light Industrial. As described in more detail below, the project should be reduced in scale and re-oriented to be compatible with surrounding land uses. With these modifications, the project can be found consistent with the General Plan land use designation for the site.

ENVIRONMENTAL REVIEW

An Initial Study was prepared for this project and a Mitigated Negative Declaration (attached) was circulated by the Director of Planning on March 6, 2002.

The Initial Study included a biological report which characterized the area adjacent to the project site as low and medium-quality riparian habitat. The channel is lined with rip-rap and concrete and both native and non-native plant species grow along the banks of the channel. The biological report suggests a minimum 30-foot setback from the edge of the riparian canopy.

The applicant is proposing a setback of less than 30 feet from the edge of the riparian canopy, consistent with the approved 17-unit project. This reduced setback, if not mitigated, could have an effect on the riparian habitat in Silver Creek. The total area that the applicant is proposing to develop within the setback area is 550 square feet of hardscape. In order to offset the incursion of approximately 550 square feet of hardscape into the riparian setback, the applicant will eradicate the non-native invasive species along the southern bank of Silver Creek, including English ivy, wild fennel, tree-of-heaven, and pyracantha. For any construction activities within the riparian setback area, there will be no nighttime lighting, use of pesticides for maintenance, or dumping of waste or refuse. Enhancement of the riparian corridor shall take place prior to issuance of a Certificate of Occupancy, and shall be inspected in the field as a part of Project Conformance Review.

With this enhancement, the biological report concluded there would not be significant adverse impacts and staff considers the project to be in conformance with the City's Riparian Corridor Policy Study, in that the property is an urban infill location which is fully developed and is adjacent to a small, lower order stream whose influence does not extend 100 feet, and a 30-foot setback would enhance the riparian habitat adjacent to the site since the existing development on the site offers no setback from the corridor.

The Initial Study also included a traffic impact analysis prepared by Department of Public Works staff. The traffic analysis concluded the project-generated traffic would not degrade any signalized intersections to Level of Service E or F, which is the standard employed by the City to constitute a significant traffic impact for the purposes of the California Environmental Quality Act (CEQA). As discussed below, the project will, however, generate a large increase in trips on both East and West Courts.

The Initial Study also included a noise report which concluded the site is exposed to significant noise levels from the freeway, train passbys, and the industrial uses to the north and west. General Plan compatibility guidelines indicate for noise exposures between 70 dBA to 80 dBA, new development is permitted only if uses are entirely indoors and building design limits interior levels to 45 dBA. Long term exposure to levels in excess of 76 dBA is considered harmful to human health by the Environmental Protection Agency. At 6 ft above grade, noise levels range from 73 dBA to 79 dBA. At 3rd story elevations, noise levels are 78 dBA, with 3rd story units facing the freeway exposed to 80 dBA traffic noise. Noise exposure, therefore, is a potentially significant impact for project residents.

Construction methods and materials are available to mitigate interior noise levels to the required 45 dBA level. The building itself will shield the courtyards and patios/balconies facing south, away from the primary noise sources, so that those open spaces will be useable. However, there is no feasible mitigation available to reduce noise exposures for patios, balconies, and common open spaces facing north, east, or west. Residents using those open spaces would be exposed to noise levels considered harmful by the EPA, which would constitute a significant environmental impact under CEQA. The project cannot include useable open space areas exposed to noise levels of 76 dBA or above without an Environmental Impact Report (EIR).

COMMUNITY OUTREACH

A public hearing notice for the project was published in a local newspaper and mailed to all property owners and tenants within 1000 feet of the subject site. The applicant has held several community meetings, with the most recent occurring March 21, 2002. Neighborhood residents raised concerns about additional traffic on East and West Courts, about the need for an additional street connection to serve their neighborhood, and a desire for additional open space and access to the planned Lower Silver Creek Trail.

ANALYSIS

Staff has concerns about the project's compatibility with the single-family neighborhood to the south, the freeway to the east, and the industrial uses to the north and west.

Building Scale. Staff is concerned the proposed project, at three stories and 45 feet in height, will be out of scale with the predominantly single-story residential neighborhood. The structure is very large given the neighborhood context. The building elevation facing the neighborhood spans 400 feet, and with a 65 foot setback and 45 ft height, does not conform to the Residential Design Guidelines. The guidelines call for two feet of building setback for each foot of building height for three story building elements adjacent single-family rear yards, i.e. a 90 setback for a building 45 feet tall. A project with third story elements setback at least 90 feet would be more in keeping with the character of the neighborhood. To achieve this, approximately 10 to 12 third story units on the building wings facing the neighborhood should be eliminated.

Parking Shortage. The project seniors are not expected to regularly walk to Julian Street, over 1000 feet from the site, and even if they did, there is little there to serve them. The nearest bus stop is on the south side of Julian Street at 26th Street, a distance of approximately 1800 feet. Therefore, residents will need to drive outside of the neighborhood to meet their basic daily needs due to the distance to transit and services. However, the project only provides 71 parking spaces for 92 units, at a ratio of 0.77 spaces/unit. These spaces will also need

to serve staff working at the project and visitors. The lack of parking will likely result in increased demand for on-street parking in the neighborhood, currently in short supply. Staff believes the project should provide one space per unit, given the site's remote location and poor access to transit and basic services. The project should also employ an on-demand shuttle van to serve project residents who do not drive, particularly if less than one parking space per unit is provided.

Narrow Streets. The need for residents to drive raises another concern as the only access to the site is via East and West Courts, which are narrow, roughly 1000-foot long residential cul-de-sacs accessed from Julian Street. A typical cul-de-sac is no more than 500 feet in length to ensure efficient emergency vehicle access. East Court (roughly 35 feet curb-to-curb) currently serves approximately 17 residences, with parallel parking on both sides of the street. West Court (roughly 29.5 feet curb-to-curb) serves approximately 34 residences, also with parallel parking on both sides of the street. Both streets are very narrow, and the addition of project traffic will degrade the existing neighborhood's quality of life. The senior project's 92 units are expected to generate 332 weekday trips, with a roughly equal split among the two courts. For comparison, the existing approved 17-unit single-family project if built would generate 169 weekday trips.

The substantial addition of traffic onto East and West Court raises concerns. It is difficult for two cars to pass simultaneously on the narrow streets, and the additional project trips will further crowd the streets. Given the limited open space opportunities present in the neighborhood, the streets are used by children at play. They are both narrow per typical City standards and will be burdened by the project's additional 332 daily trips, unless on-street parking were prohibited on one side. Parking, however, is in short supply in the neighborhood and such parking restriction is not recommended. Any reduction in units to address building scale/massing and parking issues will also reduce daily trips on these two narrow streets.

Street Connection. The approved 17-unit single-family project included a public street connection between East and West Courts, while the proposed senior project does not. The public street connection between East and West Courts would provide a critical secondary point of emergency vehicle access to the neighborhood. Remote lots at the northern end of either East or West Court would have a secondary means of ingress or egress, eliminating the existing overlong cul-de-sac situation. The senior project will also generate increased calls for emergency service beyond the approved 17-unit project, and the emergency vehicles will have difficulty negotiating the long, narrow courts to reach the site. To allow for smooth vehicle turnarounds, the Department of Public Works recommends the project be conditioned to complete a cul-de-sac bulb at the northern terminus of West Court (see attached Public Works memo).

Unfortunately, the potential to provide an additional access street to serve the neighborhood is currently low. Such an access street would need to come from the north, east, or west. However, the cost and environmental impacts of constructing a bridge across Lower Silver Creek diminish the feasibility of providing access from the north, and US Highway 101 precludes access from the east. To gain access from the west, the State Public Utilities Commissions would need to grant an additional at-grade crossing of the railroad line (potential BART alignment) to the west of the neighborhood. This possibility is being studied as part of the Five/Wounds/Brookwood Terrace Strong Neighborhood Initiative effort underway, and represents a potential solution to the neighborhood's limited access. The current site design would allow for a potential connection to a new street coming from the west, but the details of a connection would need to be studied in more detail at the Planned Development Permit stage.

Noise. The proposed senior project has not successfully responded to the site's noise environment, which is generated by traffic from US 101, the neighboring Kellogg Company factory, and trains running on the adjacent railroad line. The site is very noisy, even with a 13 ft high freeway sound wall along its eastern boundary. At 6 ft above grade, noise levels range from 73 dBA to 79 dBA. At 3rd story elevations, noise levels are 78 dBA, with 3rd story units facing US 101 exposed to 80 dBA traffic noise. General Plan compatibility guidelines indicate for noise exposures between 70 dBA to 80 dBA, new development is permitted only if uses are entirely indoors and building design limits interior levels to 45 dBA. Long term exposure to levels in excess of 76 dBA is considered

harmful to human health by the EPA.

The project can mitigate interior levels to 45 dBA, and the building will effectively shield the two main courtyards and unit balconies facing south. However, the project unit balconies or patios facing north, east, and west cannot be mitigated without being fully enclosed. Only the 44 of the 92 units that face south will have a useable balcony or patio. The remaining 48 units would have private open spaces exposed to harmful noise levels. The City has not in the past supported entirely enclosed patios and balconies as a form of noise mitigation, and staff does not recommend their use here. Staff recommends for those units, the balconies be deleted.

Conclusion. Staff believes the project should be redesigned to incorporate the following features:

1. Two story construction closest to the existing neighborhood, with three story building elements setback two feet for every foot of building height
2. A minimum of one parking space per unit, with a supplementary shuttle service for residents
3. Public access easement through the project parking lot to allow a connection between East and West Courts
4. Useable private open space for the large majority of units

RECOMMENDATION

With the above-stated conditions, Planning staff recommends the Planning Commission forward a recommendation of approval to the City Council for the following reasons:

1. The proposed rezoning can be considered consistent with the site's General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC) under the General Plan Discretionary Alternate Use Policy for Location of 100% Affordable Housing Projects.
2. The proposed rezoning will provide much-needed affordable senior units, providing a benefit to the entire community.

c: Applicant/Owner/Developer